

SEP 27 2006

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| NAME: | FACSIMILE: | TELEPHONE: |
|-----------------------|----------------|----------------|
| MS Amendment USPTO | (571) 273-8300 | (571) 272-7592 |

FROM: Rhonda Dunn for
Mark Schmidt**DATE:** September 27, 2006

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|-------------------------------------|---|-------------------------|
| Number of pages with cover page: | 4 | Client Ref: SP4290US/TA |
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Preparer of this slip has confirmed that facsimile number given is correct: **12187/red3****Comments:**

| | |
|---|---------------------------|
| Attorney Docket No.: | 259052003600 |
| Group Art Unit: | 2627 |
| Examiner: | C. Magee |
| Serial No.: | 10/686,089 |
| Filing Date: | October 14, 2003 |
| Inventors: | Tatsunori YAMAMOTO et al. |
| Title: | OPTICAL PICKUP DEVICE |
| Document attached: | |
| <ul style="list-style-type: none"> • Transmittal (1 page) • Response to Restriction/Election of Species Requirement (2 pages) | |

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PTO/SB/21 (09-04)

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| | | | |
|--|----------------------|------------------------|--------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/686,089 | |
| | Filing Date | October 14, 2003 | |
| | First Named Inventor | Tatsunori YAMAMOTO | |
| | Art Unit | 2627 | |
| | Examiner Name | C. Magee | |
| Total Number of Pages In This Submission | 3 | Attorney Docket Number | 259052003600 |

| ENCLOSURES (Check all that apply) | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (2 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Coversheet |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|--|----------|--------|
| Firm Name | MORRISON & FOERSTER LLP (Customer No. 25226) | | |
| Signature | <i>Mark E. Schmidt</i> | | |
| Printed name | Mark E. Schmidt | | |
| Date | September 27, 2006 | Reg. No. | 47,063 |

Client Ref.: SP4290US/TA

| | |
|--|---|
| I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below. | |
| Dated: September 27, 2006 | Signature: <i>Rhonda Dunn</i> (Rhonda Dunn) |

pa-1097016

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Dated: September 27, 2006 Signature:

Rhonda Dunn
(Rhonda Dunn)

Docket No.: 259052003600

(PATENT)

CLIENT REF.: SP4290US/TA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tatsunori YAMAMOTO et al.

Application No.: 10/686,089

Confirmation No.: 6818

Filed: October 14, 2003

Art Unit: 2627

For: AN OPTICAL PICKUP DEVICE

Examiner: C. Magee

RESPONSE TO RESTRICTION/ELECTION OF SPECIES REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This is in response to the non-final Office Action mailed August 30, 2006 (Paper No. 20060822), which set forth a Restriction/Election of Species Requirement for pending claims 1-15, and for which a response is due on September 30, 2006. This response is timely filed.

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Application No.: 10/686,089

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Docket No.: 259052003600

The Examiner has required election of a single disclosed species under 35 USC § 121 for prosecution on its merits. Election to one of the following patentably distinct species of the claimed inventions is required:

Species A: Figures 1-8.

Species B: Figures 9-13.

In response to the election of species requirement, Applicant hereby elects without traverse Species A (Figures 1-8). Claims 1-8 read on the subject matter of Species A. Examination on the merits of the elected subject matter is hereby respectfully requested.

As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species covered by the generic claim.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 259052003600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 27, 2006

Respectfully submitted,

By Mark E. Schmidt

Mark E. Schmidt

Registration No.: 47,063

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pa-1097017